

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

Court Minutes and Order

DATE: June 7, 2017
JUDGE: Pamela Pepper
CASE NO: 2017-cv-673
CASE NAME: Tyler Cox v. City of Waukesha
NATURE OF HEARING: Motion for Preliminary Injunction
APPEARANCES: Adele Nicholas – Attorney for the plaintiff
Samuel Hall -Attorney for the defendant
Brian Running – City Attorney for the city of Waukesha
COURTROOM DEPUTY: Kristine Wrobel
TIME: 9:06 a.m. -9:13 a.m.

The court noted that at the time the plaintiff filed the complaint, he also filed a motion for a preliminary injunction. The court observed that counsel for the defendant had filed his notice of appearance, along with the defendant's answer, on June 2, 2017.

As the court began to question the parties about a briefing schedule for the motion for preliminary injunction, counsel for the plaintiff interjected to explain that the night before today's hearing, the common council for the defendant had passed an amended ordinance, amending those provisions which gave rise to the motion for preliminary injunctive relief. Counsel stated that the amended ordinance rendered the motion for injunctive relief moot.

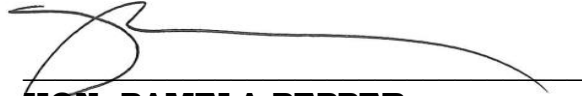
The city attorney for the defendant confirmed that last night, the common council had passed a revised ordinance. He explained that the ordinance would become effective on the date of publication. The Waukesha Freeman would publish the ordinance; counsel stated that he planned to submit the ordinance to the Waukesha Freeman today, and that while he was not certain of the publication schedule, he expected that the paper would publish the ordinance in the next week. The amended ordinance reduced the child safety zone from 1,500 feet to 750 feet, removed the domicile requirement, and deleted the loitering provisions. The city noted that in light of Judge Stadtmueller's decision in Hoffman v. Pleasant Prairie, the defendant had decided to amend the ordinance, but that decision and the work on the amended ordinance well predated the date the plaintiff had filed the complaint in this case.

The court told the parties that it would schedule a Rule 16 conference shortly. Counsel for the defendant added that the parties would continue their discussions about whether the amended ordinance left anything to litigate in the case.

The court **DENIES AS MOOT, WITHOUT PREJUDICE**, the plaintiff's motion for a preliminary injunction. Dkt. No. 5.

Dated in Milwaukee, Wisconsin this 7th day of June, 2017.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
United States District Judge